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& Software

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January 15, 2008

VIA FACSIMILE: (303) 869-4860
AND ELECTRONIC MAIL: secretary@sos.state.co.us
AND OVERNIGHT DELIVERY

Honorable Mike Coffman
Secretary of State
1700 Broadway, Suite 250
Denver, CO 80290

**RE: Request for Reconsideration of December 17, 2007 Decision to
Decertify Election Systems & Software, Inc. ("ES&S") Voting
Systems for Use in the State of Colorado ("State")**

Dear Secretary Coffman:

On behalf of ES&S and pursuant to Section 1-5-621 (6) of the Colorado Revised Code, ES&S hereby submits this request for you to reconsider the decision that you issued on December 17, 2007, regarding the voting systems of ES&S.

Specifically, ES&S believes that the following portions of your decision were in error and respectfully requests your reconsideration to certify ES&S' subject voting systems. ES&S has set forth below responses to your determinations, as well as included actions ES&S has taken to address such determinations.

1. Software, Unity (Version Number 3.0.1.1) - The major factors, deficiencies, restrictions identified in the Project Overview resulting in the decertification of the ES&S Unity 3.0.1.1 (Amendment A) software consisting of the following modules: Audit Manager v7.3.0.0; Election Data Manager (EDM) v7.4.4.0; ESS Image Manager (ESSIM) v7.4.2.0; iVotronic Image Manager (iVIM) v2.0.1.0; Hardware Programming Manager (HPM) v5.2.4.0 Election Reporting Manager (ERM) v7.1.2.1; are erroneous and may be eliminated and/or mitigated or overcome via:
 - a. the completion of outstanding testing;
 - b. clarification of Independent Testing Authority / Voting System Testing Lab ("ITA/VSTL") data provided and/or submission of additional VSTL test report data if necessary;
 - c. minor modification to system documentation where necessary; and

d. the use of election procedures and/or system technical bulletins where necessary.

In addition, erroneous Global and Software Conditions may also be eliminated or modified following the execution and completion of the above activities.

ES&S respectfully requests that the Unity 3.0.1.1 (Amendment A) be recertified.

2. Precinct Optical Scanner, M100 (Version 5.2.1.0) - The major factors, deficiencies, restrictions identified in the Project Overview resulting in the decertification of the ES&S M100 precinct-based optical scanner, v5.2.1.0, are erroneous and may be eliminated and/or mitigated or overcome via:
 - a. the completion of outstanding testing;
 - b. clarification of ITA/VSTL data provided and/or submission of additional ITA/VSTL test report data if necessary;
 - c. minor modification to system documentation where necessary; and
 - d. the use of election procedures and/or system technical bulletins where necessary.

In addition, erroneous Global and Precinct Count Scanner Conditions (M100) may also be eliminated or modified following the execution and completion of the above activities.

ES&S respectfully requests that the Precinct Optical Scanner, M100 (Version 5.2.1.0) be recertified.

3. Central Count Optical Scanner, M650 (Version 2.1.0.0, Green Light Only) - The major factors, deficiencies, restrictions identified in the Project Overview resulting in the decertification of the ES&S M650 central count optical scanner, v2.1.0.0, are erroneous and may be eliminated and/or mitigated or overcome via:
 - a. the completion of outstanding testing;
 - b. clarification of ITA/VSTL data provided and/or submission of additional ITA/VSTL test report data if necessary;

- c. minor modification to system documentation where necessary; and
- d. the use of election procedures and/or system technical bulletins where necessary.

In addition, erroneous Global and Central Count Scanner Conditions (M650) may also be eliminated or modified following the execution and completion of the above activities.

ES&S respectfully requests that the Central Count Optical Scanner, M650 (Version 2.1.0.0, Green Light Only) be recertified.

4. DRE, iVotronic ADA w/ 3-button and 4-button (9.1.6.2) and iVotronic non-ADA (9.1.6.2) - The major factors, deficiencies, restrictions identified in the Project Overview resulting in the decertification of the ES&S iVotronic ADA (3 & 4 Button) and Non-ADA DRE, v9.1.6.2, are erroneous and may be eliminated and/or mitigated or overcome via:
 - a. the completion of outstanding testing;
 - b. a firmware 'patch', if necessary;
 - c. clarification of ITA/VSTL data provided and/or submission of additional ITA/VSTL test report data if necessary;
 - d. minor modification to system documentation where necessary; and
 - e. the use of election procedures and/or system technical bulletins where necessary.

In addition, erroneous DRE Conditions (iVotronic) may also be eliminated or modified following the execution and completion of the above activities.

Upon receipt of the Secretary of State's finding with respect to system vulnerabilities and lack of an audit trail to detect security violations, ES&S will review such findings in order to determine an appropriate remedy. It is ES&S' opinion that the system does not have such security vulnerabilities. If the State is unable to provide such documentation regarding its finding of a lack of audit trail capabilities, ES&S respectfully requests that the Secretary of State retract this condition.

Honorable Mike Coffman
January 15, 2008
Page: 4

ES&S respectfully requests that the DRE, iVotronic ADA w/ 3-button and 4-button (9.1.6.2) and iVotronic non-ADA (9.1.6.2) be recertified.

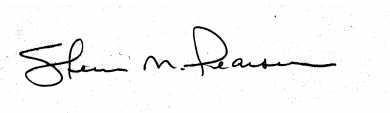
ES&S reserves the right to provide supplementary documentation and testimony at or before the public hearing on this request.

It is ES&S' understanding that the State has resumed testing of ES&S' voting systems. ES&S requests that the State provide its results and documentation of such testing to ES&S sufficiently prior to any hearing on this request in order for ES&S to determine if any of the above conditions have been satisfied or if additional measures need to be taken by ES&S to achieve certification of ES&S' voting systems.

ES&S looks forward to continuing to work with you and your office in an effort to be allowed to continue to provide our Colorado customers and the voters of Colorado with a secure, accurate and reliable voting system which may be used in elections in the State for many years to come. ES&S is confident that the quality and accuracy built into every ES&S voting system will result in a favorable determination and recertification for our systems.

Please provide ES&S with as much written notice as possible of the date and time of the requested hearing and any other procedural or other relevant information related to such hearing. Should you have any questions or need additional information, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Pearson", is centered below the word "Sincerely,".

Steven M. Pearson
Vice President, Certification

cc: Aldo Tesi, President and Chief Executive Officer, ES&S
Eric Anderson, Vice President and General Counsel, ES&S
Pamela Anderson, Jefferson County Clerk and Recorder
Janice Rich, Mesa County Clerk and Recorder